IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.40369 of 2008
KAMESHWAR PRASAD,
son of Sri Haribansh Rai,
resident of Village Sakari-
Saraiya, P.S. Kudhani,
District Muzaffarpur
----Petitioner

Versus
STATE OF BIHAR

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3. 12.12.2008 Heard the learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Goraul P.S. Case No.199/2005 for the alleged offences under sections 365 and 120B/34 of the Indian Penal Code.

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It is submitted that although the petitioner is a named accused, but during the investigation the case was found not true and as such the police submitted the final form and recommended for prosecution under section 211 of the Indian Penal Code. It is also submitted that the present case is in retaliation to the earlier case lodged by the brother of the petitioner for kidnapping of his niece.

The learned APP opposes the prayer for bail and on perusal of the case diary submits that the materials have come in the case diary attributing serious overt act

against the petitioner and, as such, he is not entitled to the privilege of anticipatory bail.

Considering the facts and circumstances of the case and the nature of allegations, I am not inclined to grant anticipatory bail to the petitioner. The application is, accordingly, dismissed.

However, on surrender in case an application for regular bail is filed in the court below, the same would be considered on its own merits in accordance with law without being prejudiced by the present order.

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PNM **(Shailesh Kumar Sinha, J.)**

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